Remarks

The Abstract has been amended to conform to Abstract requirement pointed out by Examiner.

The rejection of claims 1, 3-5, and 7 as unpatentable over Phillips et al. (U.S. 6,487,588) in view of Duvall et al. (U.S. 5,884,033 under 35 U.S.C. 103(a) is respectfully traversed.

Applicants submit that there is no suggestion in either the basic Phillips patent or the modifying Duvall patent that the two references may be combined as proposed by Examiner. It is further submitted that even if the references could be combined, the combination of the present invention would still not be taught.

The present invention is developed in an environment which already recognizes, as set forth in the present Specification, that there are known advantages in Web document downloading optimization to enable the user at a receiving Web station to have the option of downloading a received Web document in either text-only or full document mode including graphics. Thus, all that Phillips teaches is what the present Specification has conceded to be prior art. The present invention goes on to provide an implementation by which the user is enabled to preselect those Web document which when subsequently received will be downloaded in a text-only mode. A convenient application of this function would be the bookmarked Web document. When a Web document is bookmarked, the user has already previously viewed the Web document and may thus had the chance to evaluate and preselect the state of any subsequent download of the Web document. Similarly, a familiar user may be aware of Web sites and even Web domains which conventionally provide

complex Web documents with elaborate graphics and images. Thus, documents from such sources may be preselected for the text-only download mode when resources are limited.

Phillips et. al. relates only to Web documents which have already been received and permits the user to optimize the download of such received documents by selecting to download the already received Web document in text-only, full text and graphics, or a text and limited graphics mode. However, as the Examiner admits in the middle of page 3 of the Official Action that Phillips does not teach preselection of text-only downloading of Web documents which are subsequently received.

Accordingly, the Examiner looks to Duvall et al. to make up for the admitted deficiencies of the Phillips reference.

It is submitted that about the only thing that Duvall has in common with either the present invention or Phillips is that all relate to transmission of Web documents. Duvall is no way concerned with problems with downloading times of Web or Internet documents. Duvall is primarily concerned with the filtering out of objectionable content, particularly sexually explicit content from Web documents so that children may be protected. This is rather remote from document downloading time optimization.

It would appear that Examiner is prompted to contend that the Duvall patent pornographic filtering to be an art analogous to Applicants' preselected downloading mode because Duvall predesignates specific known pornographic Web sites as those whose Web documents are to filtered for sexual content, and the present invention preselects documents from selected sites know to provide complex graphics for a text-only download.

Applicants submits that Phillips does consider the Web site or the source of their Web documents for any purpose. Thus, the only suggestion that Duvall would be ccombined based upon such criteria would come only from the present invention. Combinations of references can not be made based upon Applicants' own teaching. The suggestion to combine references must come from the references themselves.

Thus, if we would look to the teachings of the two references alone why would one skilled in the art be led to combine disclosures from the technology of filtering web documents for sexual content with disclosures from optimizing Web document download capacities?

The rejection of claims 2 and 6 under 35 U.S.C.103(a) over the combination of Phillips et al. in view of Duvall et al. as set forth above, further in view of Himmel et al. (U.S. 6,480, 852) is also respectfully traversed.

Claims 2 and 6 cover aspects of the invention wherein the preselected text-only Web document would be a bookmarked Web document. When a Web document is bookmarked, the user has already previously viewed and may thus evaluate and preselect the state of any subsequent download of the Web document. Since as set forth above, Phillips only designates the download mode of his documents when they are received, there would be no suggestion from that reference concerning preselecting bookmarked documents for text-only download. Likewise, Duvall's pornographic filtering would be unaffected by any concepts of bookmarking. All the Himmel reference contributes is the general teaching of Web documents being bookmarked. Like the above combination of two references, this combination of these three references can only be made in the light of applicants own teaching.

Applicants submit that Examiner's proposed combination of two, three, and even four references is being made not

with the requisite foresight of one skilled in the art, but rather with the hindsight obtained solely by the teaching of the present invention. This approach cannot be used to render Applicants' invention unpatentable.

> "To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art references of record convey nor suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher." W. L. Gore, 721 F 2d at 1553, 220 USPQ, pp. 312-313.

> "One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." In re Fine, 5 USPQ 2d 1596 (C.A.F.C.) 1988.

As the Examiner applied the above rationales in the rejection of corresponding sets of method claims (8-14) and computer program claims (15-21), Applicants requests that their arguments for patentability be likewise considered with respect to such method and computer program claims.

In view of the foregoing, claims 1-21 are submitted to be in condition for allowance, and such allowance is respectfully requested

Respectfully submitted

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